

EX PARTE OR LATE FILED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE

November 17, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
CG Docket No. 02-248

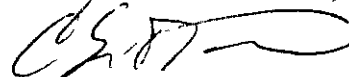
Dear Ms. Dortch:

Nessa Feddis of the American Bankers Association (ABA), Kevin McKechnie of the American Bankers Insurance Association (ABIA), and Jim McIntyre of McIntyre Law Firm, PLLC and the undersigned on behalf of ABA and ABIA, met on November 12, 2003 with Erica McMahon, Richard Smith, Gene Fullano and Ruth Yodaiken of the Consumer and Governmental Affairs Bureau regarding the referenced matter.

In the meeting, which lasted for one hour, we discussed several issues related to compliance by the banking industry with the Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, particular the FCC's Report and Order adopted June 26, 2003. We explained how banks market banking and other products and how bank marketing operations and customer relationships are affected by the scope of the established business relationship exception, particularly regarding dormant accounts, customer referrals, affiliates, service calls, and joint marketing arrangements. We also discussed the use of artificial or prerecorded voice for telephone messages; responses to requests to be placed on a company-specific do not call list; use of predictive dialers; the do not fax rule; and penalties for violating the do not call requirements.

Sincerely,

McINTYRE LAW FIRM, PLLC



Chrys D. Lemon

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